

Appl. No. 10/604,660  
Amdt. dated August 8, 2005  
Reply to Office Action of March 8, 2005

**REMARKS/ARGUMENTS:**

Reconsideration of the present application is respectfully requested. Claim 20 has been canceled without prejudice or disclaimer, and claims 1-5, 7, 10, 13, 19, 21-22, 25, and 28 have been amended, so that claims 1-19 and 21-30 are presently pending. Claims 1, 10, and 25 are independent.

In the specification, paragraph [0019] has been amended to correct a minor informality noted by the Examiner. Accordingly, the objection to the disclosure should now be moot.

In the Office Action dated March 8, 2005, claims 1, 2, 10, and 20-30 were rejected under 35 U.S.C. § 112. Although Applicant does not necessarily agree with these rejections, these claims have been amended as suggested in the Action. Particularly, claim 1 has been amended to recite the structure that performs the recited functions, as well as the components relative positions and/or relationships where requested by the Examiner. In addition, the language has been amended in claims 2, 10, 20, and 25 to obviate the Examiner's objections to these claims. Accordingly, these amendments should obviate the § 112, first and second paragraph rejections to the claims.

Applicant wishes to express its appreciation for the telephone interview conducted on June 7, 2005, and thank the Examiner for his time and consideration given during that interview. It is noted that the § 112 rejections to the claims were discussed, although only briefly, during the interview. No agreement was reached but the Examiner suggested emailing proposed language to

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overcome these rejections. However, after considering these rejections, Applicant determined they could be easily resolved with the minor amendments included herein.

In the Action, claims 25-30 are objected to as being dependent upon a rejected base claim but indicated as allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. As suggested in the Action, claim 25 has been rewritten in independent form and should therefore be in condition for allowance. Amended claims 21, 22, and 28 depend from claim 25 and claims 23, 24, 26, 27, and 29-30 depend directly or indirectly from claim 25. Accordingly, dependent claims 21-24 and 26-30 should also be in condition for allowance.

In the Office Action dated March 8, 2005, claims 1-9 and 20-24 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,744,552 to Glaser ("Glaser '552 patent"). Claims 10-17 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,628,418 to Deschamps ("Deschamps '418 patent"). Claims 18-19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Deschamps '418 patent. However, Applicant respectfully suggests that none of the prior art references, when considered singly or in combination, show or suggest the use of the structure recited in the claims.

Applicant's prior technology, as described in the Glaser '552 patent, provided a universal mount that enabled various jewelry crafting attachments to be quickly and easily interchanged while preventing movement of the attachment, once it was mounted, in a downward or outward direction. However, at the time of the Glaser '552 patent, jewelers were not using attachments that utilized applications requiring upward forces applied on the workpiece. For

example, sawing plates have been developed since the time of the Glaser '552 patent and now have increased popularity. Jewelers often apply upward forces on the workpiece held in a sawing plate. Additionally, jewelers utilize attachments that do not require upward forces applied to the workpiece on many occasions. Accordingly, Applicant was faced with the problem of retaining the desired advantages of the prior art universal mounts, such as quick and easy attachment change-over, while providing in the same mount a way of combating the undesired movement of the later-developed attachments that utilize an upward force being applied to the workpiece without compromising the mount's ability to be used with the prior attachments that do not utilize upward force applications.

Turning to the claims, amended claim 1 recites a lockable mounting apparatus for supporting structure relative to a support, including, among other things, a body adapted to be coupled to the support and operable to slidably receive the structure when coupled to the support so that the body is positioned between the support and the structure, and a locking assembly. The body includes an exposed surface generally trapezoidal in shape to generally prevent the structure received on the body from sliding relative to the body in a first plane extending generally parallel to the exposed surface. The body includes opposing sides extending downwardly from the exposed surface and sloping outwardly therefrom to normally permit the structure received thereon to slide relative to the body in a first direction generally divergent relative to the first plane. The locking assembly includes a locking mechanism coupled to the body and shiftable into and out of a locking position wherein the structure received on the body is prevented from sliding relative to the body in the first direction. The locking assembly further includes an actuator in activating communication with the

locking mechanism and operable to selectively shift the locking mechanism. At least a portion of the actuator is positioned adjacent the exposed surface. The structure recited in amended independent claim 1 enables a universal mount that has all of the advantages of the prior art universal mounts yet can be selectively locked to prevent unwanted movement of all attachments, including those that utilize an upward force being applied to the workpiece.

Amended independent claim 10 recites a lockable mounting apparatus for securely mounting a workpiece holding assembly relative to a fixed support. The lockable mounting apparatus includes, among other things, a mount adapted to be coupled to the support and operable to receive the workpiece holding assembly when coupled to the support, a flexible plate shiftably coupled to the mount, and a locking element operable to selectively shift the plate. The mount presents a body defining a back surface that engages the support when the mount is coupled thereto and an oppositely spaced, generally planar front surface. The body further includes an internal chamber presenting a normally open face. The flexible plate is shiftable between a flush position wherein the plate generally closes the open face and forms at least a portion of the planar front surface and a locking position wherein at least a portion of the plate flexes to be spaced from the front surface and spaced from the open face. The locking element is operable to selectively shift the plate from the flush position into the locking position. The locking element includes at least a portion thereof that is received in the chamber and engages the plate. The structure recited in independent claim 10 provides a lockable mounting apparatus that enables the same advantages described above with respect to independent claim 1.

Turning now to the prior art references of record, the Glaser '552 patent discloses Applicant's previous universal mount 38. The mount 38 is not lockable, but is specifically designed "so that the tool 10 may be detached from the mount 38 by lifting the plate 30 until the edges 36 of the shoes 34 clear the mount 38" (col. 4, lines 16-18). As discussed above, jewelry crafting attachments that utilize an upward force on the workpiece, such as a sawing plate, were not utilized at the time of the Glaser '552 patent. The Glaser '552 patent neither discloses any structure to provide a lockable function for mount 38, nor mentions such desirability. As such, the Glaser '552 patent is deficient at either teaching or suggesting the use of the structure recited in the independent claims. Particularly, the Glaser '552 patent fails to show or suggest a locking assembly including a locking mechanism coupled to the body and shiftable into and out of a locking position wherein the structure received on the body is prevented from sliding relative to the body in the first direction. The Glaser '552 patent further fails to show or suggest a locking assembly including an actuator in activating communication with the locking mechanism and operable to selectively shift the locking mechanism wherein at least a portion of the actuator is positioned adjacent the exposed surface.

The Deschamps '418 patent discloses a suspended ceiling fixture mount 5. As an initial matter, nobody ordinarily skilled in the art of precision crafting tools would look to the electrical fixture art to solve the problem confronting the Applicant. As such, the Deschamps '418 patent is non-analogous art. Nonetheless, the Deschamps '418 patent does not disclose a universal mount for mounting precision crafting attachments and the like. As such, the Deschamps '418 patent fails to show or suggest a body including an exposed surface generally trapezoidal in shape to

generally prevent the structure received on the body from sliding relative to the body in a first plane extending generally parallel to the exposed surface. Therefore, the Deschamps '418 patent is deficient at showing or suggesting the use of the structure recited in independent claim 1. The Deschamps '418 patent also fails to show or suggest opposing sides of the body extending downwardly from the exposed surface and sloping outwardly therefrom to normally permit the structure received thereon to slide relative to the body in a first direction generally divergent relative to the first plane. Furthermore, the plate 24 of the Deschamps '418 patent is not flexible. To the contrary, the plate 24 must "trap" or "sandwich" the criss-crossed support members 10,12. Moreover, the screw 42 of the Deschamps '418 patent does not act on, nor engage the plate 24, or the support members 10,12 for that matter, but rather acts on the support wire 44. More importantly, the plate 24 does not shift away from the open face of the box 16 to "lock" against the supports 10,12 but quite the opposite, the plate 24 shifts towards the open face of the box 16 to lock against the supports 10,12. As such, the Deschamps '418 patent fails to teach or suggest the use of the structure recited in independent claim 10. Particularly, the Deschamps '418 patent fails to show or suggest the use of a flexible plate mounted to the body that is shiftable between a flush position wherein the plate generally closes the open face and forms at least a portion of the planar front surface and a locking position wherein at least a portion of the plate flexes to be spaced from the front surface and spaced from the open face. The Deschamps '418 patent also fails to show or suggest the use of a locking element that is operable to selectively shift the plate from the flush position into the locking position that includes at least a portion thereof that is received in the chamber and engages the plate.



As discussed above, the Deschamps '418 patent is non-analogous art. There is therefore no motivation to combine the Deschamps '418 patent with any of the other prior art references of record. However, even if the references are combined, the proposed combination still falls short of the claimed invention. As detailed above, none of the prior art references teach or suggest a locking assembly for a universal mount for precision crafting tools and the like. Furthermore, none of the references teach or suggest a locking assembly with a locking element shiftably coupled to the mount body. Moreover, all of the references fail to show or suggest the use of a flexible plate mounted to the body that is shiftable between a flush position wherein the plate generally closes the open face and forms at least a portion of the planar front surface and a locking position wherein at least a portion of the plate flexes to be spaced from the front surface and spaced from the open face. All of the references also fail to show or suggest the use of a locking element that is operable to selectively shift the plate from the flush position into the locking position that includes at least a portion thereof that is received in the chamber and engages the plate.

Because the proposed combination of the references still fails to arrive at the claimed invention, a *prima facie* case of obviousness has not been established. See *M.P.E.P.* §§ 2142, 2143 and 2143.03. The references simply fail to teach or suggest the use of all the limitations of the claims. The obviousness rejection must consequently be withdrawn.

Accordingly, along with independent claim 25 (and corresponding dependent claims 21-24 and 26-30) previously indicated as allowable as discussed above, independent claims 1 and 10 should also be in condition for allowance. Dependent claims 2-9 depend directly or indirectly

Appl. No. 10/604,660  
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from claim 1 and dependent claims 11-19 depend directly or indirectly from claim 10. These dependent claims recite additional structure not shown or suggested in the prior art references of record and are therefore also in condition for allowance.

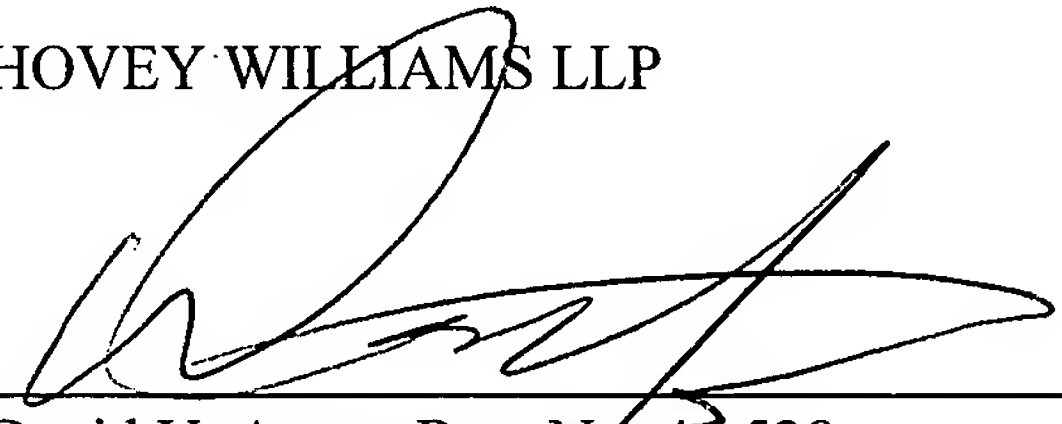
Therefore, the present application should now be in condition for allowance and such allowance is respectfully requested. Should the Examiner have any questions, please contact the undersigned at (800) 445-3460.

A Two-month Petition for Extension of Time accompanies this Amendment, along with a check in the amount of \$225.00 for the petition fee set forth in 37 C.F.R. § 1.17(a)(2). The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 19-0522.

Respectfully submitted,

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